S.B. CRIMINAL MISC. APPLICATION NO. 636/2006.
IN
S.B. CRIMINAL APPEAL NO.548/2006
MANAK RAM VS. STATE OF RAJ.]

DATE OF ORDER : 28.03.2007.

HON'BLE MR. CHATRA RAM JAT, J.

Mr.Suresh Kumbhat for the appellant.
Mr.J.P.S.Choudhary, P.P.

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Heard.

Learned counsel for the appellant submits that in this matter the FIR has been lodged belatedly and the prosecutrix PW 14 Padma aged between 16 to 18 years and there is no clear cut evidence for recent successful inter course so this strong rebuttal question for appeal and the hearing of the appeal will take time so the application for suspension of sentence be allowed and his sentence may be suspended.

Learned P.P. has vehemently opposed it by stating that this is not a case in which sentence should be suspended.

Looking to the facts and circumstances of the case and after going through the submissions made by learned counsel and on perusal of the record as well as the

statement of P.W.14 Padma and keeping in mind that bifocal interest of justice i.e. involvement of the individual and the society effected, without expressing any opinion on the merit of the case, I do not deem it proper to suspend the sentence of the accused at this stage.

Accordingly, the application under Section 389, Cr.P.C having no force is hereby dismissed.

[CHATRA RAM JAT],J.

MAMTA